

## REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed February 24, 2005. Reconsideration and allowance of the application and pending claims are respectfully requested.

### **I. Claim Rejections - 35 U.S.C. § 102(b)**

#### **A. Rejection of Claims 1, 2, 3, 5-8, 10-16, and 18**

Claims 1, 2, 3, 5-8, 10-16, and 18 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Lagarde, et al. ("Lagarde," U.S. Pat. No. 5,761,663). Applicant respectfully traverses this rejection.

It is axiomatic that "[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under consideration." *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1554, 220 USPQ 303, 313 (Fed. Cir. 1983). Therefore, every claimed feature of the claimed invention must be represented in the applied reference to constitute a proper rejection under 35 U.S.C. § 102(b).

In the present case, not every feature of the claimed invention is represented in the Lagarde reference. Applicant discusses the Lagarde reference and Applicant's claims in the following.

Lagarde generally describes a method for operating a web browser to make requests of web servers. In operation, Lagarde's web browser is used to access a home page hosted by the server. Lagarde, column 10, lines 16-20. When the user selects a feature (e.g., button) on the home page, or another page, a "request" is made by the web browser and request results can be returned by the web server. Such a result can be presented for text display to a user in the web browser with a data interpretation system (DIS). Lagarde, column 15, lines 1-5. Alternatively, the "output" can be broadcast to

desired destinations through an "output unit," such as a fax. Lagarde, column 15, lines 10-18.

As can be appreciated from the above summary, the Lagarde system is very different from that described by Applicant. Applicant has amended the independent claims to emphasize some of those differences. Applicant believes that Lagarde presently fails to teach several of Applicant's claim limitations. For example, in regard to independent claim 1, Lagarde fails to teach any of "receiving a fax request from a network browser", "uploading content from the faxing device to the network browser", "receiving a fax job from the network browser", or "transmitting a facsimile from the faxing device to a recipient device". Applicant notes that Lagarde is similarly deficient as to Applicant's other independent claims.

Due to the shortcomings of the Lagarde reference described above, Applicant respectfully asserts that Lagarde does not anticipate Applicant's claims. Therefore, Applicant respectfully requests that the rejection of these claims be withdrawn.

**B. Rejection of Claims 1, 10, and 13**

Independent claims 1, 10, and 13 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Yokosuga (JP Pat. No. 02-282839). Applicant respectfully traverses this rejection.

As with the Lagarde reference, not every feature of the claimed invention is represented in the Yokosuga reference.

In a one-paragraph English Abstract, Yokosuga teaches a computer that is provided with a "facsimile control program 5 and an application program 6." Yokosuga says nothing about a network browser or a faxing device that uploads content to the browser.

Referring again to independent claim 1, Yokosuga does not teach any of “receiving a fax request from a network browser”, “uploading content from the faxing device to the network browser”, “receiving a fax job from the network browser”, or “transmitting a facsimile from the faxing device to a recipient device”. Independent claims 10 and 13 contain similar limitations that are not anticipated by Yokosuga.

Due to these shortcomings of the Yokosuga reference, Applicant respectfully asserts that Yokosuga also does not anticipate Applicant’s claims. Therefore, Applicant respectfully requests that the rejection of these claims be withdrawn.

## **II. Claim Rejections - 35 U.S.C. § 103(a)**

Claims 4, 9, 17, and 19 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Lagarde. Applicant respectfully traverses this rejection.

As has been acknowledged by the Court of Appeals for the Federal Circuit, the U.S. Patent and Trademark Office (“USPTO”) has the burden under section 103 to establish a *prima facie* case of obviousness by showing some objective teaching in the prior art or generally available knowledge of one of ordinary skill in the art that would lead that individual to the claimed invention. *See In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). The Manual of Patent Examining Procedure (MPEP) section 2143 discusses the requirements of a *prima facie* case for obviousness.

As is identified above in reference to independent claims 1 and 16, Lagarde fails to teach several explicit limitations of Applicant’s claims. Applicant respectfully submits that claims 4, 9, 17, and 19, which depend from claims 1 and 16, are allowable over the Lagarde for at least the same reasons that claims 1 and 16 are allowable over Lagarde.

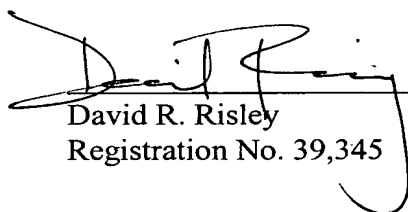
### **III. New Claims**

As identified above, claims 20-29 have been added into the application through this Response. Applicant respectfully submits that these new claims describe an invention novel and unobvious in view of the prior art of record and, therefore, respectfully requests that these claims be held to be allowable.

### CONCLUSION

Applicant respectfully submits that Applicant's pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

  
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Assistant Commissioner for Patents, Alexandria, Virginia 22313-1450, on

5-13-05

Signature

